



StopWaste is the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council operating as one public agency.

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1537 Webster Street
Oakland, CA 94612
p 510-891-6500
f 510-893-2308
www.stopwaste.org

June 26, 2015

Ms. Julie Saare-Edmonds
California Department of Water Resources
Urban Water Use Efficiency Unit
P.O. Box 942836
Sacramento, CA 95814

RE: Comments on the June 12 draft of the State Model WELO, 2015

Dear Ms. Saare-Edmonds,

StopWaste has 15 years of experience in creating sustainable landscapes standards, ordinances, and programs. In particular, we have been an early advocate for healthy soils in landscapes because of the multiple environmental benefits that quality soils provide on a site and within watersheds.

On June 10, our Agency sent a letter requesting that the new model WELO incorporate one inch of compost and three inches of mulch. On June 12, a draft of the model ordinance was issued. We are pleased to see the draft model ordinance incorporates 4 cubic yards of compost per thousand square feet and the 3 inch mulch requirement. We believe this is a good minimum standard that will go a long way toward building soil health, saving water, reducing stormwater pollution and sequestering carbon, in our built landscapes.

I am now writing now with some further comments on the June 12 draft WELO issued by DWR based on our agency's experience working with 14 member cities and the county in Alameda County implementing the Bay-Friendly Landscape standards. Specifically, our agency recommends specific exemptions for compost and mulch requirements, adjustments to proposed size thresholds, and the creation of a prescriptive path to compliance for smaller project.

We support the requirement to add compost at the rate of 4 cy / 1,000 sf. However, requiring this addition of compost even if the soil organic matter is up to 25% is excessive. In practice, this would mean that even soils with high organic matter would be required to have the added expense to add more in the form of compost. This may have unintended consequences in terms of industry acceptance and even on plant health. There are low water using plants that require a low soil organic matter content.

So for 492.6.(a).3.(C) compost measure we recommend the following exemptions for adding compost and one on tilling:

- For site soils with greater than 5% organic matter in the top 6 inches of the soil, or
- Existing soil organic matter content meets the requirement of proposed plant palette, as demonstrated by soil lab analysis and recommendations.
- For lawn conversions, we recommend that the tilling requirement be waived to allow for covering the lawn with cardboard, compost and then a mulch layer, a no till technique known as sheet mulch that allows the lawn to be composted in place instead of being dug up and landfilled.

492.6.(a).3.D: Mulch. We support the increase in mulch application rate from 2 inches to 3 inches. Our experience implementing this regulation throughout Alameda County demonstrates that it is readily verifiable by plan checkers and building inspectors, and offers multiple benefits, including improved soil health, reduced runoff, reduced water demand, and improved habitat.

In some instances, a project may wish to provide small areas of bare ground for ground-dwelling pollinator habitat – such as native bees. Therefore, we recommend that the ordinance be modified to allow a small variance on the mulch requirement for projects seeking to provide this type of habitat on their site. **We have used and recommend the following exemption for projects that have sought habitat for ground dwelling pollinators, “the total area left bare of mulch is no greater than 20 sf for every 1000 sf or 5% of the landscape area.”**

490.1.a: Applicability. The current draft sets the threshold for new construction at 500 square feet. While we support the idea of capturing as much landscape area as possible with the updated ordinance, in our experience working with cities and other permitting jurisdictions, this low threshold will dramatically increase the number of covered projects and create an impossible burden on plan checkers and building inspectors, who are already trying to meet California’s construction surge with inadequate staff. In addition landscapes of this size often don’t have professionals involved and are done by homeowners. This would require extra expense of hiring a professional to implement these very technical specifications. **Therefore, we recommend increasing the compliance threshold for new planting areas to 1,000 square feet.** There is precedence for the 1,000 sf threshold with several cities in the Bay Area, currently using it.

Prescriptive path to compliance. Permitted landscape areas less than 2,500 square feet have not historically been required to comply with the WELO via the building code. As a result, the changes that the construction industry and building official community will encounter with implementing and enforcing these new code provisions are substantial. Therefore, **we recommend that DWR allow an additional prescriptive compliance option for sites less than 2,500 square feet. Furthermore, we believe the requirements for those prescriptive options should be simplified such that landscape contractors and do-it-yourself homeowners new to the WELO have a greater chance to succeed in complying with the ordinance.** Such enhancements to the WELO would still result in a significant change in standard practice, leading to considerable water use reduction compared to a poorly

complied with standard that is more stringent. We believe the WELO should be reasonable and simplified for smaller projects.

If for some reason a prescriptive compliance approach is not able to be incorporated into DWR's update by the proposed July 15th adoption hearing, we would **encourage DWR to formally indicate their support for such a compliance option** and their intent to work with the Building Standards Commission and the Department of Housing & Community Development in the development of such a compliance option for inclusion in the related building standards that these two agencies will be developing over the next five months.

In addition to the above priority areas, we would like to offer comments on the following measures:

491.q ETAF. We support the reduction in ETAF in general. Reducing the ETAF will result in more resilient and less resource intensive plant palettes better suited to California's climate. For simplification we **recommend setting the ETAF for all projects at 0.5**. A single ETAF will result in less confusion and fewer mistakes on the part of submitters, and ultimately less time and money spent by local permitting jurisdictions.

492.15 and 16: We support the incentivizing of rain water capture and infiltration, gray water use, and recycled water.

495: Reporting. In our experience, jurisdictions have a difficult time keeping records of WELO enforcement, and the reporting requirement will create an excessive hardship on already understaffed planning/building departments. For this to succeed, we ask that DWR streamline the process and provide solutions such as reporting templates that enhance and simplify the reporting infrastructure.

We acknowledge the difficult task DWR has in updating the MWELO, and support the thinking behind the proposed changes to create a culture of more efficient, regenerative landscape design and construction in California. We hope that hearing from our experience implementing sustainable landscape construction ordinances in Alameda County will be helpful to you as you move forward in this process. We stand ready to assist should our services, analysis, or expertise in developing and implementing landscape policies and ordinances be of use during your deliberations.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa M. Eade", written in a cursive style.

Teresa M. Eade
Senior Program Manager